

911 Coordination Board Meeting

George S Mickelson Law Enforcement Training Center
Commission Room
1302 East Highway 14, Pierre SD
December 11, 2008

Board Members Present:

Doug Barthel, Jason Bechtold, Jeff Carmon, Dennis Falken, Bill Floyd, Marlene Haines, Ted Ruffedt, Jr., Jody Sawvell, Tracy Turbak, Kristi Turman, Matthew Jorud for Ron Goldschmidt

Board Member Absent:

Lou Sebert

Department of Public Safety Staff Present:

Lee Axdahl, Michael Houdyshell, Lynne Rath

A list of other individuals attending is on file with the Department of Public Safety.

I. Call to Order

Ted Ruffedt, Jr., Chair, called the meeting to order at 10:00 am, December 11, 2008, and roll call was taken.

II. Adoption of December 11, 2008 Agenda

No changes to the agenda were discussed.

Motion: Motion by Bill Floyd and seconded by Kristi Turman to accept the agenda.

Conclusion: The motion carried.

III. Approval of October 9, 2008 Meeting Minutes

Jeff Carmon noted two typographical errors in the October 9, 2008, meeting minutes.

Motion: Motion by Doug Barthel and seconded by Marlene Haines to approve the minutes with the noted corrections.

Conclusion: The motion carried.

IV. Discussion and Introduction of South Dakota 911 Coordinator

The interview panel explained that there were 20 applicants for the 911 Coordinator. Seven to eight individuals were interviewed. There were two strong candidates. Once reference checks were completed, Mr. Lee Axdahl was

selected. Lee's starting date will be immediate once the Board approves his hiring. Lee has a strong background in radio broadcasting, lobbying, 911 architecture, knows how to deal with people, as well as starting and finishing projects.

Motion: Motion by Tracy Turbak and seconded by Marlene Haines to accept the recommendation of the interview panel to offer the 911 Coordinator position to Mr. Lee Axdahl.

Conclusion: The motion carried.

V. Review of 2009 Meeting Schedule

The Board reviewed the meeting schedule that was based on the decision to meet every other month for the first year, beginning with the first meeting in October.

The proposed schedule is:

February 12, 2009
April 9, 2009
June 11, 2009
August 13, 2009
October 1, 2009

By meeting every other month allows time for the subcommittees to meet during the "off" months. Additional meetings can be scheduled as needed as long as notice is posted 24 hours prior to the meeting. A recommendation was made to have lunch brought in during the meetings since they are only scheduled from 10:00 am to 3:00 pm.

Motion: Motion by Tracy Turbak and seconded by Jody Sawvell to adopt the meeting schedule.

Conclusion: The motion carried.

VI. Review of Documents Previously Provided to the Board

The board reviewed information that was provided to them electronically. The information included FCC rulings related to 911, basic information on 911, and terminology and acronyms of 911.

VII. Introduction of Sean Horan, Law Enforcement 911 Training Coordinator

Sean Horan, Law Enforcement 911 Training Coordinator, was introduced to the Board. There are four dispatch courses scheduled for 2009. Each course is a two-week program. A dispatcher needs to certify within a year of beginning employment. The program is funded through court costs. A board other than the

911 Coordination Board has the authority to amend the curriculum, but each will work in conjunction regarding standards and curriculum.

VIII. Rule-Making Process – Legislative Research Council

Doug Decker, Code Counsel for Legislative Research Council (LRC), reviewed the basic process for rule-making. In looking at SDCL 34-45-18, the Board has three areas in which they are able to promulgate rules. SDCL 34-45-18.2 gives clear delegation from the Legislature. He explained that the rules should be written in narrative form, be clear and concise, and be broken down into small parts.

SDCL 1-26 explains the process. SDCL 1-26-4 includes the procedures to follow, SDCL 1-26-4.1 is the notice to publish, and SDCL 1-26-6 has the final steps for the rules to be affective. The entire process will take two months if everything goes smoothly.

Mr. Decker recommended having an informal workgroup draft the rules. The workgroup could include all interested parties so that differences and objectives could be addressed ahead of time.

Steps for the process include serving the Department Secretary, LRC for a formal and editorial review 20 days before the public hearing, and the Bureau of Finance and Management (BFM). A majority of the board must be present at the public hearing. The public notice should be geared towards notifying those who may be impacted. Acceptable public notice includes placement in three papers of general circulation in the state and direct notice to interested parties. The public notice should include a reason for and affect of the rules, which should be a short, concise statement. The public hearing can be done by DDN but not teleconference. After the public hearing, there will be a hearing in front of the rules review committee. The committee could approve the rules, send them back to earlier in the process, or suspend them. The burden is on the agency to prove the rules are necessary and legal.

LRC is available for assistance during the working group sessions. A rules drafting manual and the forms used throughout the process are available on LRC's website.

IX. Financial Review of Wireless Prepaid Provider Remittance

This summer, DPS identified 29 possible pre-paid providers in the state. The Board was provided with a list of pre-paid providers who had remitted the 911 surcharge. The companies who have not remitted will need to be contacted to find out why, i.e. did they not receive the notification of the change in the law or do not have pre-paid customers in the state. For example, Jeff Carmon explained the reason Qwest Wireless did not remit was because they do not have any pre-paid customers. The provider list will be given to APCO and NENA to distribute to PSAPs

across the state to find out if any are receiving pre-paid remittance from these providers. Pre-paid is the fastest growing part of the cellular market.

A majority of the pre-paid providers chose to remit using the "C" method. Alltel was the largest remittance, using method "A". Their method may change due to Verizon's purchase of the company. The Board reviewed the definitions of the three methods which are included in SDCL 34-45.

During the previous meeting, the Board discussed using the Emergency Management Performance Grant to help fund the 911 Coordinator until the 911 pre-paid revenue was received. Kristi Turman has since found out that will be more difficult and may cause legal and budget issues.

The Board discussed the need for a budget and annual financial report. It is not a requirement, but makes sense. The legislators approved the pre-paid surcharge switch and may be interested in a financial report. It was decided to use the state fiscal year for the financial report. The Board asked that a revenue report be developed for the next meeting. The collected surcharge will be used to pay for the Board and the 911 Coordinator. Any extra will be used as an operating reserve and for reimbursement to PSAPs.

The board discussed turning day-to-day operations over to Lee Axdahl, under the supervision of Kristi Turman. When he contacts the providers to ascertain their remittance status, he can talk to them about signing a non-disclosure statement.

Motion: Motion by Kristi Turman and seconded by Doug Barthel to authorize the 911 Coordinator with authority to run operations of the state 911 office. This authority includes establishing a fiscal year budget, accepting remittance reports and disseminating funds for operation expenses, and acting as a point of contact with authorization by the 911 Board to interface with providers and jurisdictions for coordination of 911 activities, fees, and matters as needed.

Conclusion: The motion carried.

X. Prioritization of Actions Required in SDCL 34-45-18.2 and 34-45-20

The Board reviewed their duties and developed a punch list of what they want Lee to focus on over the next two months.

SDCL 34-45-20 (1)

Lee's first duty is to update the Intrado report. He can meet with each PSAP, which could include the sheriff, police chief, and/or elected officials. The key is to ascertain who is the best person to talk to. A letter from the Board can list the recent changes, introduce Lee as the 911 Coordinator, offer any assistance, and explain that the Board is updating the Intrado report. The letter should also go to

the counties served by the PSAPs as well as all large associations, i.e. SD Association of County Commissioners, Municipal League, Sheriffs, Police Chiefs, APCO, NENO, Emergency Medical Services, and Fire Fighters. Cities that run the PSAP should also get their own letter. Lee will draft the letter and submit it to the Executive Committee. Board letterhead will need to be developed.

The Board asked if there would be a 911 Coordination Board link on the 911 website. Eventually, there will be, but it is not at the top of the list right now.

SDCL 34-45-20 (7)

A report needs to be developed for the Governor and Legislature. The report can include what has been accomplished to date as well as remittance received. The deadline and process to submit to the Legislature needs to be checked to see if Board approval can wait until the next meeting.

SDCL 34-45-20 (2)

Model plans are available. A committee, with members from each sub-committee, should be formed to develop a plan. Templates from other organizations should be gathered. The plan will include criteria for minimum standards, which is under SDCL 34-45-20 (4).

SDCL 34-45-20 (3) and (6)

Senate Bill 143 more clearly defined what the surcharge can be spent on. It would be beneficial to have copies of budgets for every PSAP to find out how much is coming in and how much is being spent on what. Contact will need to be made with Legislative Audit. The Board needs true and accurate numbers to develop the audit criteria. Lee can monitor what is being purchased through his visits to make sure it is authorized out of the 911 fees and then make a list of those items. Auditing may include all counties, including those that contract with PSAPs, to find out how they are using their surcharge. Lee can also ascertain what functions are being performed by dispatchers.

XI. Discussion and Assignment of Tasks to Subcommittees

Individuals not on the Board can serve on the subcommittees, but they cannot be reimbursed. Lee has an open invitation to all meetings. Meetings can be held via conference call. Results of the meetings will be reported on at the next Board meeting. The subcommittees can meet and then decide which of the ten duties they will undertake and be ready to discuss the decisions at the February 2009 meeting.

Motion: Motion by Marlene Haines and seconded by Jeff Carmon to establish five committees and subcommittees: Administrative Committee, Technical Subcommittee, Operations Subcommittee, Procedural Subcommittee, and Funding Committee.

Conclusion: The motion carried.

Administrative Committee

- Assist Lee with day-to-day operations and questions
Kristi Turman
Ted Rufledt, Jr.
Marlene Haines

Technical Subcommittee

- Begin to develop draft technical standards for 911 centers
Jeff Carmon
Jody Sawvell
Jason Bechtold
Ron Goldschmidt/Matthew Jorud
Ted Rufledt, Jr.

Operations Subcommittee

- Begin to develop draft operational standards, i.e. number of staff on duty
Dennis Falken
Doug Barthel
Marlene Haines
Tracy Turbak

Procedural Subcommittee

Motion: Motion by Marlene Haines and seconded by Bill Floyd to remove Procedural Subcommittee from the list of subcommittees.

Conclusion: The motion carried.

A Procedural Subcommittee can be revisited if needed.

Funding Committee

- Assist Lee with developing the letter and what questions will be asked during his visits
- Study the state of 911 funds in South Dakota
- Explore alternate funding/grant opportunities
Tracy Turbak
Bill Floyd
Kristi Turman
Marlene Haines
Jeff Carmon
Lou Sebert

The first person on each list will be responsible for scheduling the first meeting of the subcommittee. The members will then choose a Chair.

XII. Review of PSAP Standards Recommendations

The Board was provided with an August 3, 2007, letter from Doug Pavel to Tom Dravland, Secretary, Department of Public Safety. Mr. Pavel was the chair of the 2007 911 Stakeholders Standards and System Efficiencies Sub-Group. This letter lists recommended standards to be mandated through State legislation.

XIII. NHTSA E911 Grant Program

The National Highway Traffic Safety Administration recently posted a notice of proposed rulemaking in the Federal Register. South Dakota has the potential to receive \$500,000 in grant funds. A 50% match is proposed. The Federal Register will need to be watched for the final publication of rules.

XIV. Adjourn

Lee was instructed to sign up with APCO and NENA.

The Board asked that a list of all members be distributed to each member, including contact information.

Motion: Motion by Jeff Carmon and seconded by Jason Bechtold to adjourn the meeting at 2:33 pm.

Conclusion: The motion carried.